IN THE HIGH COURT OF JUDICATURE AT PATNA
MA No.281 of 2005
SHRON GUPTA @SHRON KUMAR GUPTA
Versus
D.K.CHAND & ORS
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8 **26.8.2008** The order under challenge is dated 17.3.2005 passed in Claim Case No.80/2002, by the Additional District Judge-I-cum-Motor Vehicle Claims Tribunal, Purnia, whereby and whereunder the learned Tribunal has dismissed the prayer in respect of grant of interim compensation to the claimant-appellant Shron Gupta @ Shron Kumar Gupta.

It has been submitted that at this stage the learned Presiding Officer of the Tribunal was not in a position to say regarding evidence or facts of negligence of the Bus driver or contribution of accident of the driver of the Motor-cycle, who was claimant there.

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Heard learned counsel for the appellant, Oriental Insurance Company as also the owner of the Bus.

Learned counsel for the owner of the Bus has submitted that at the relevant time of the accident, the Bus in question was insured. So, the question of final payment of the compensation amount to the claimant is to be decided in course of hearing of the trial.

It has been submitted on behalf of the appellant that no Motor-cyclist would dare to drive a Motor-cycle so rashly in order to collide with a fast moving Bus coming from the opposite side at the cost of his life. So, for the present, it can not be said that the claimant- injured was also liable for contributing such accident. There is no denial of the fact that the claimant Shron Gupta alongwith his friend were dashed by the Bus bearing Registration

No. BR 39-9626 coming from the opposite direction and it was collision from the front side and as such the claimant sustained multiple injuries and was immediately taken to Sadar Hospital, Purnea. Then, he was referred to Siliguri for better treatment and subsequently he was shifted to Patna and he became a permanent disabled person.. The claimant had income of Rs.4,000/- from his business and agriculture. On the basis of the FIR filed by the claimant, a Police case was lodged by the Police bearing K.Hat P.S.Case No.112/2002.

In the facts and circumstances, I am not inclined to refuse the claim of the claimant-appellant who sustained multiple injuries from such collision of the Bus and the Motor-cycle.

Accordingly, the Insurance Company is liable to pay Rs.25,000/- (Twenty five thousand) for permanent disablement of the claimant who is appellant here in this case within one month from the date of communication of this order to the court below.

The matter relating to contribution of the accident of the Motor-cyclist with the Bus shall remain open for consideration at the time of hearing before the Claims Tribunal.

With the aforesaid directions and observations, this appeal is disposed of.

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SKBOSE **(Subash Chandra Jha)**